OIPE JC112
MAY 09 2005
PATENT & TRADEMARK OFFICE

05/10/05

AFT/ZRW

U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE
DEPOSIT INFORMATION

Express Mail Label No.: EV 653883043 US

Date of Deposit: May 9, 2005

BRINKS HOFER GILSON &LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of:	BRIAN JAMES GINGRAS et al.
Appln. No.:	09/900,746
Filed:	July 6, 2001
For:	METHOD FOR WETTING AND WINDING A SUBSTRATE
Attorney Docket No:	659/791 K-C Ref. No. 14972A

Examiner: Kirsten C. Jolley

Art Unit: 1762

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Transmittal (in dup.), Appeal Brief, check for $500

☒ Return Receipt Postcard

Fee calculation:

☐ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☒ A petition or processing fee in an amount of $500.00 under 37 C.F.R. § 41.20 (b)(2).

☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
Indep.		Minus				X100=			x $200=	
First Presentation of Multiple Dep. Claim						+$180=			+ $360=	
						Total	$		Total	$

Fee payment:

☒ A check in the amount of $500.00 is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

May 9, 2005
Date May 9, 2005

Amanda M. Church
Amanda M. Church (Reg. No. 52,469)

O I P E JC112 MAY 09 2005 PATENT & TRADEMARK OFFICE

"Express Mail" mailing label number EV 653883043 US

Date of Deposit: May 9, 2005

Our Case No. 659/791
K-C Ref. No. 14972A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Gingras et al.	
Serial No. 09/900,746	Examiner Kirsten C. Jolley
Filing Date: July 6, 2001	Group Art Unit No. 1762
For METHOD FOR WETTING AND WINDING A SUBSTRATE	

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is in response to the Final Rejection dated December 28, 2004.[1]

[1] On March 9, 2005, Appellants filed a Notice of Appeal. Since the Notice of Appeal was filed within three months of the mailing date of the Final Office Action and the present Appeal Brief is being filed within two months of the filing of the Notice of Appeal, the present Appeal Brief is timely filed.

05/11/2005 MAHMED1 00000039 09900746

01 FC:1402 500.00 OP

I. REAL PARTY IN INTEREST

It is believed that Kimberly-Clark Worldwide, Inc. is the real party of interest in this Appeal pursuant to the assignment of the above-identified application to Kimberly-Clark Worldwide, Inc. executed by each of the ten (10) inventors of record, Brian James Gingras, Daniel Hoo, Paul Kerner Pauling, Clayton Taylor Gann, Robert Eugene Krautkramer, James Monroe Perkins, Anthony Mark Gambaro, Robert Alvin Barkhau, Andrew Peter Doyle, and James Leo Baggot.

II. RELATED APPEALS AND INTERFERENCES

The undersigned, Amanda M. Church, is not aware of any other appeals, interferences, or other judicial proceedings that may be related to, would directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

The status of the claims is as follows:

Claims 1-7, 9-12, 14, 16-19 and 21-48[2] are finally rejected under 35 U.S.C. § 103(a) for being obvious in view of WO 01/40090 A2 (Perini).

---

[2] Appellants note that on page 6, paragraph 7 of the Examiner's Final Rejection, the Examiner does not expressly reject Claims 41-48. However, in paragraph 8, the Examiner seems to indicate that Claims 41-48 were to be included in the above rejection. For the purposes of this

Claims 1-7, 9-19, and 21-30 are finally rejected under 35 U.S.C. § 103(a) for being obvious in view of U.S. Patent No. 4,601,938 (Deacon).

Claims 13 and 15 are finally rejected under 35 U.S.C. § 103(a) for being obvious in view of Perini as applied to claims 1-7, 9-12, 14, 16-19 and 21-48 and Deacon.

Claim 20 is finally rejected under 35 U.S.C. § 103(a) for being obvious in view of Perini or Deacon and U.S. Patent No. 5,667,635 (Win).

Claim 8 has been cancelled.

Claims 49-62 are withdrawn from consideration for being directed to a non-elected invention.

The above-mentioned rejections of claims 1-7 and 9-48 are the subject of this Appeal.

IV. STATUS OF AMENDMENTS

A Request for Reconsideration was filed September 22, 2004 after Non-Final Rejection. The Final Rejection of December 28, 2004 indicated that this Request for Reconsideration was considered. No Amendment or Response has been filed in response to the December 28, 2004 Office Action prior to the filing of the present Appeal Brief.

V. SUMMARY OF CLAIMED SUBJECT MATTER

An understanding of the invention of independent claims 1, 18, 31, and 39 can be made upon a review of the embodiments of the invention, described

---

Appeal, Appellants will treat the afore mentioned Claims, 41-48, as having been finally rejected

below, and illustrated in the figures of the specification. Note that in the description to follow, like elements will employ identical identification numerals.

A method for making wet rolls is provided which in general includes winding a wet substrate into a wet roll. The method may provide for even distribution and absorption of a fluid throughout a substrate to provide the wet substrate. The method may include winding a substrate that has a fluid add-on of at least about 25%. An apparatus for performing the method is also provided. (p. 9, l. 2-7).

Referring to Figure 1, there is in general provided a web of material 2. This source web may be any type of basesheet known to those skilled in the art. (p. 9, l.8-10). The web is delivered to the wetting and winding apparatus 1 as a sheet of material. (p.9, l.26-27).

Referring to Figure 1, the web may be dispensed from a parent roll 4 which can be mounted on a rotating shaft 6. The spiral wind 16 of the parent roll allows the roll to be unwound in the direction of arrow 18. The unwinding of the roll can be controlled such that the web is dispensed at a consistent speed and tension even though the size of the roll is decreasing. The web is delivered in the form of a sheet to the wetting apparatus 35 in the direction of arrow 20. The delivery may be controlled by a series of rollers (8, 10, 12, 14, 22, 24) to adjust the speed of the delivery and/or the tension applied to the web. (p. 9, 31 – p.10, l.7). The speed of the web may be at least 60 meters per minute (m/min). (p. 10, l.9-10).

There may optionally be a device for perforating the web. Referring to Figure 2, the perforation may be accomplished by a pair of rollers 30 and 32, wherein at least one of the rollers 30 comprises a series of teeth or blades 31 such that the impact of the rollers on the web results in incisions in a line forming a perforation line. The incisions within the perforation line may be spaced regularly, they may be spaced randomly, or they may be spaced in a controlled arrangement. The perforations are preferably in the cross direction (CD) of the

---

as being obvious over Perini.

web; that is in the plane of the web perpendicular to the direction of movement, or the machine direction (MD). (p. 10, l.12-20).

Referring to Figure 2, a wetting solution may be applied to the web by wetting apparatus 35, and the wet web 42 is then delivered in the direction of arrow 20 to the wet winding apparatus 41. This delivery may be accomplished by the use of rollers or belts such as roller 40. Care must be taken in handling the wet web since the presence of moisture in the web can alter the physical properties of the material. (p. 11, l.8-13).

Referring to Figure 2, a coreless surface winder for the wet web in general can provide for continuous winding of wet coreless rolls 66. The wound roll 66 is separated from the wet web when the web is broken by the winder. It is desirable, although not required, that each roll produced by this apparatus under a given set of conditions has substantially the same number of sheets (as defined by lines of perforations) and substantially the same dimensions. The wound wet rolls are then collected or delivered for storage or further processing. (p. 11, l.28 – p.12, l.3).

The wetting apparatus 35 includes a device for solution application and, optionally, a support for the web. (p. 13, l.6-7). Preferably, the wetting solution is added to the web with an add-on greater than about 25%. (p.14, l.11-12). To determine the liquid add-on, first the weight of a portion of dry web having specific dimensions is determined. The dry web corresponds to the basesheet which can be fed to the wetting and winding apparatus. Then, the amount of liquid by weight equal to a multiple (e.g. 1, 1.5, 2.5, 3.3, etc., times) where 1 = 100%, 2.5 = 250%, etc., of the portion of the dry web, or an increased amount of liquid measured as a percent add-on based on the weight of the dry web portion, is added to the web to make it moistened, and then referred to as a "wet" web. A wet web is defined as a web which contains a solution add-on between 25% and the maximum add-on which can be accepted by the web (i.e. saturation). (p. 14, l.19-28). The wetting solution can be applied by methods known to those skilled in the art.

Referring to Figures 2 and 6, the wetting apparatus may optionally include a detour roller 40 positioned to contact the web after the solution application and before the wet winding. This roller assists in transferring the wet web from the wetting apparatus to the winding apparatus. The detour roller can provide a frictional surface to ensure adequate tension in the web. This can be especially advantageous during the separation of a completely wound wet log from the rest of the web. Also, the detour roller can provide a preferred geometry between the web and the winding apparatus to ensure adequate contact between the wet web and the upper winding roller of the winding apparatus. (p.20, l.22-31).

Referring to Figures 10-13, the wet winding apparatus 41 includes an upper winding roller 44, a lower winding roller 46, and a rider roller 50. The upper winding roller rotates in the direction of arrow 52, so that, when in contact with the wet web, it is moving in the same direction as the web. At a point downstream from the point where the web 42 and the upper winding roller meet, the lower winding roller 46 contacts the exposed side of the web. The lower winding roller rotates in the direction of arrow 56, which is opposite that of the motion of the wet web when the roller and web are in contact. It follows that the upper and lower winding rollers rotate in the same circular direction (i.e. clockwise or counter-clockwise). The contact of both the upper winding roller and the transfer shoe 48 on the web breaks the web into a downstream portion 106 and an upstream portion 105 (Figure 13). This contact also causes the leading edge of the upstream portion of the web to fold or bunch together into an embryonic roll, called a cigarette 86. The cigarette 86 is caused to rotate in the circular direction 84, which is opposite that of the winding rollers, to form a roll 62. The rider roller 50 is positioned to contact the rotating roll 62 after the point of contact between the winding rollers. The convergence of the rider roller with the winding rollers forms a roll winding pocket 60. The rider roller rotates in the same circular direction 58 as the winding rollers, thus coordinating with the winding rollers to promote rotation of the wet web, in the direction of arrow 84, into a wet roll 62. The rider roller also helps prevent the wet roll from leaving the

pocket before a roll of the desired dimensions and/or sheet content is formed. (p. 21, l.1-23).

The upper winding roller preferably has a high friction surface 45 to stabilize the wet web on the roller. A high friction surface is defined as having a surface roughness greater than 250 roughness average (Ra). The friction of a surface can also be quantified in terms of coefficient of friction, in which a higher coefficient of friction corresponds to a higher friction surface. (p.21, l.24-28).

The coordinated action of the upper winding roller and the transfer shoe 48 on the web results in the beginning of the formation of a log. The transfer shoe is a preferably a rigid material with a high friction surface. The transfer shoe also has a concave surface 49 with a radius of curvature that is substantially the same as that of the upper winding roller. The curvature may be interrupted by a ridge 150. The transfer shoe may be mounted so that it can move along the directions of arrow 54 in an indexing motion. To start the winding of a new log, the transfer shoe is indexed towards the upper winding roller. The shoe is illustrated in the raised position 80 in Figure 10 and in the lowered position 82 in Figure 11. The rate and/or frequency of movement of the transfer shoe may be adjustable so as to provide for rolls of different dimensions or to accommodate other substrates or machine speeds. (p.23, l.10-21).

The web 42, upper winding roller, and transfer shoe converge to trap a portion of the web between the smooth region of the upper winding roller and the ridge on the transfer shoe. A perforated web will have a line of perforation downstream from this line of convergence, and the distance between the line of perforation and the line of convergence may be from 0 mm to the distance between two adjacent lines of perforation. For a web having 5 inches (127 mm) between lines of perforation, the distance between the line of perforation and the line of convergence may be between 0 mm and 127 mm. The distance between the line of perforation and the line of convergence may be from about 1 mm to about 50 mm, from about 5 mm to about 20 mm, and from about 6 mm to about 13 mm. (p.24, l.3-13).

Referring to Figure 13, the convergence of the web, upper winding roller, and transfer shoe serves to reduce the speed of the web at that point, relative to the speed of the web at the perforation. The trapped portion of the web is pinched between the upper winding roller and the transfer shoe ridge, and the web is pulled across the smooth insert. The downstream portion of the web 106 remains anchored to the tungsten carbide surface of the upper winding roller just in front of the smooth insert. The action of pulling the web back or stalling the web on the smooth insert breaks the perforation, forming a leading edge 92 connected to the trapped portion of the web. The ridge on the transfer shoe stays engaged to the upper winding roller, pinning the leading edge until the web contacts the edge of the high surface roughness region. The web is then bunched up between the ridge and the high surface roughness region. This bunched portion then doubles back against the upstream portion of the web 105 and begins to roll into a cigarette 86 due to the differential friction between the rough region and the smooth region. (p. 24, l.14-28).

The cigarette 86 stays in contact with the upper winding roller, and the rotational movement of the upper winding roller continues to roll the cigarette across the surface of the transfer shoe. The upper winding roller may also move slightly upward (vertically) to allow the cigarette to increase in diameter. The cigarette then moves off the transfer shoe surface and into the gap 152 between the upper winding roller and lower winding roller. Simultaneously, the speed of the lower winding roller is increased from a speed less than the speed of the web to substantially the same speed as the web. The growing roll continues to move into the winding pocket 60 until contacted by the rider roller. During the winding of the roll, the lower winding roller and the rider roller rotate at speeds substantially the same as the upper winding roller. The log continues to wind, increasing in size until the proper sheet count and/or diameter is obtained. The rotational speeds of the upper winding roller, the lower winding roller, and the rider roller may be independently varied to control the winding firmness. (p.24, l.31 – p.25, l.15).

The rider roller is preferably mounted on a movable rider roller arm 94 (Figure 2). The rider roller arm allows for release of a wound roll 66 from the roll pocket 60 when the rider roller is moved away from the winding rollers. Convergence of the rider roller with the winding rollers forms the roll winding pocket. As a roll nears completion, the rotational motion of the lower winding roller may decrease, and the rotational motion of the rider roller may increase. This speed differential helps to remove the full size roll from the winding pocket. The motion of the rider roller arm may be coordinated with the movement of the transfer shoe such that the release of a wound roll 66 coincides with the separation of the roll 66 from the web 42 and the start of a cigarette 86. Thus, as the full size roll exits the pocket, the web is sandwiched between the transfer shoe ridge and the smooth region of the upper winding roller. (p. 25, l. 21 – p. 26, l. 2).

The rotational motion 70 of the wound roll causes the roll to move out of the pocket in the direction of arrow 68 for subsequent delivery or collection. This motion can be assisted by the difference in relative speeds of the upper and lower winding rollers such that the force of the upper roller dominates. (p. 26, l. 3-6).

There are no means-plus-function terms or step-plus-function terms in Claims 1-7 and 9-48. Claims 1-7 and 9-48 are argued separately below in Section VII.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

There are four grounds of rejection presented for review:

1) the rejection of claims 1-7, 9-12, 14, 16-19, and 21-48 for being obvious under 35 U.S.C. § 103(a) in view of Perini;

2) the rejection of claims 1-9, 9-19, and 21-30 for being obvious under 35 U.S.C. § 103(a) in view of Deacon;

3) the rejection of claims 13 and 15 for being obvious under 35 U.S.C. § 103(a) in view of Perini and Deacon; and

4) the rejection of claim 20 for being obvious under 35 U.S.C. § 103(a) in view of Perini or Deacon, and Win.

VII. ARGUMENT

A. Claims 1-7, 9-12, 14, 16-19, and 21-48 are not obvious under 35 USC § 103 over WO 01/40090 A2 to Perini because Perini does not teach or suggest each and every element of the claimed invention.

Claims 1-7, 9-12, 14, 16-17, and 21-48 were finally rejected in the Final Office Action of December 28, 2004 under 35 U.S.C. § 103(a) as being obvious in view of WO 01/40090 A2, hereinafter Perini. Appellants traverse the rejection for several reasons. First, independent claims 1, 18, 31, and 39 recite breaking a wet web after applying a wetting solution to the web. Perini fails to disclose this cited process. The Office Action asserts that Perini discloses providing a web of material, applying a wetting solution to the web to produce a wet web, and winding the wet web into a roll. (Office Action dated March 22, 2004, p. 6). Appellants note that Perini teaches that the web should be substantially dry when it is broken. (WO 01/40090, p. 8, l. 25 – p. 9, l. 4).

In order to overcome the deficiencies of Perini, the Office Action maintains that it would have been obvious to break a wet web with the expectation of achieving worse results. (Office Action dated March 22, 2004, p. 5). Appellants disagree. Perini is directed to a process of providing a roll of material including the step of breaking the web of material when the material is dry. Perini actually teaches away from breaking the web when the web is wet. Specifically, Perini states that "the presence of moisture or liquid impregnating the material would make the changeover difficult or would in some cases even render it impossible." (WO 01/40090, p. 9, l. 1-10). There can be no suggestion or motivation to modify

the Perini method to include the breaking of a wet web in view of the teachings in the reference. As noted in MPEP 2143.01, with reference to *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990):

> The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the **desirability** of the combination. [Bold emphasis added]

Moreover, a reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be led in a direction divergent from the path that was taken by the applicant. *See Tech Air, Inc. v. Denso Mfg. Mich. Inc.,* 192, F.3d 1353, 1360 (Fed. Cir. 1999). The Examiner asserts that "Perini states that the presence of moisture or liquid would make the changeover "difficult"; this is not necessarily a statement that results would be unsatisfactory." (Office Action dated December 28, 2004, p. 3). Appellants disagree. Perini actually says that it would be difficult, ***if not impossible***, to effectuate a successful changeover if the web is wet when it is broken. (WO 01/40090, p. 9, l. 1-10). This is clearly an indication to one skilled in the art that the presence of moisture before the changeover would produce unsatisfactory results. It is impossible for Perini to present the possibility of breaking a wet web as "desirable," while at the same time warning the reader against breaking a wet web.

The Examiner refutes Appellants' argument by asserting that Perini, while a negative teaching, and one that is expected to make the process more difficult, is still a fair teaching and would have been a known modification to one skilled in the art reading the reference with an expectation of success." (Office Action dated December 28, 2004, p. 3).

To the contrary, if a proposed modification would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP § 2143.01 (citing *In re Gordon,* 733 F.2d 900 (Fed. Cir. 1984)). As discussed above, Perini teaches that

modifying the teachings disclosed therein to include wetting the web before it was broken would render it unsatisfactory for its intended purpose.

For the above stated reasons, the rejection of claims 1, 18, 31, and 39 over Perini is improper and should be withdrawn. Claims 2-7, 9-12, 14, and 16-17 depend on Claim 1. Claims 19 and 21-30 depend on Claim 18. Claims 32-38 depend on Claim 31. Claims 40-48 depend on Claim 39. Therefore, the rejections for all of the aforementioned claims should be withdrawn for the same reasons stated above with respect to claims 1, 18, 31, and 39.

B. Claims 1-7, 9-19, and 21-30 are not obvious under 35 USC § 103 over U.S. Patent No. 4.601,938 to Deacon because Deacon does not teach or disclose each and every element of the claimed invention.

Claims 1-7, 9-19, and 21-30 were finally rejected in the Final Office Action of December 28, 2004 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,601,938 (hereinafter Deacon). Deacon discloses a roll of wet wipes comprising an elongate web substrate impregnated with a liquid composition.

Independent Claims 1 and 18 recite providing a web of material "wherein the web travels at a speed of at least 60 meters per minute." Deacon does not teach or suggest providing the web such that the web travels at a speed of at least 60 meters per minute or breaking the web after it has been wetted. Moreover, Deacon does not teach or suggest "breaking a wet web." Therefore, the Appellants respectfully traverse the Examiner's rejection.

The Examiner argues that one skilled in the art would have been motivated to maximize the travel speed in order to increase productivity and efficiency of the process. (Office Action, date December 28, 2004, p. 4). The Examiner fails to address the fact that Deacon does not teach or suggest to one skilled in the art how the speed might be maximized. The Examiner is attempting to use an improper "obvious to try" rationale. It is improper to render obvious that which might have been obvious to try when the prior art gives no indication of which parameters are critical or no direction as to which of many possible choices is likely to be successful. MPEP § 2145(X)(B). The Examiner admits

that Deacon lacks any teaching of the speed at which the web travels. Appellants request this rejection be withdrawn.

In addition, the Examiner asserts that slitting the wet web, as in Deacon, meets the limitation of "breaking the wet web." (Office Action, dated December 28, 2004, p. 4). The Appellants respectfully disagree. Appellants specification defines "breaking" as the action creating a leading edge connected to the trapped portion of the web [the portion of the web pinched between the upper winding roller and the transfer show ridge] by pulling the web back or stalling the web on the smooth insert separating, or breaking, the perforation. (p. 24, l. 14-30).

Contrary to the definition of "breaking the wet web" provided in the Appellants specification, one of skill in the art would interpret "slitting" a web of paper to mean a separation of the web of material in the machine direction (MD). "Breaking of the wet web" indicates a separation of the web of material in the cross-machine direction (CD), to form a leading edge connected to the trapped portion of the web. It is inappropriate to assign a new meaning to a term commonly used in the industry. For the reasons stated above, Appellants respectfully request that the Examiner's rejections be withdrawn.

C. Claims 13 and 15 are not obvious under 35 USC § 103 over WO 01/40090 A2 to Perini in view of U.S. Patent No. 4.601,938 to Deacon because neither reference teaches or discloses each and every element of the claimed invention.

Claims 13 and 15 were finally rejected in the Final Office Action dated December 28, 2005 under 35 U.S.C. § 103(a) as being obvious over Perini and further in view of Deacon. First, Claims 13 and 15 depend directly from Claim 1 and so are patentable over Perini or Deacon for at least the same reasons given above in sections VII.A and B as to why Claim 1 is patentable over the references.

The Examiner has not provided Appellants with any motivation, either in the references or in the state of the art that would suggest the combination of Perini and Deacon. Furthermore, even if the combination were proper, which it is

not, neither reference, alone or in combination, teaches or suggests each and every element of the claimed invention. Therefore, Appellants respectfully request this rejection be withdrawn.

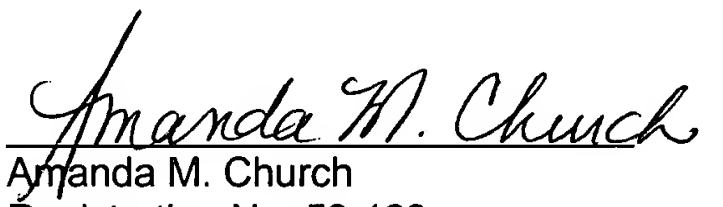
D. Claim 20 is not obvious under 35 USC § 103 over Perini or Deacon, further in view of U.S. Patent No. 5,667,635 to Win because none of the references, either alone or in combination, teach or disclose each and every element of the claimed invention.

Claim 20 was finally rejected under 35 U.S.C. § 103 over Perini or Deacon, further in view of Win. Appellants traverse the rejection. In particular, Claim 20 depends directly on Claim 18. As pointed out above in Section VII.A and B, neither Perini or Deacon suggests altering the references to provide "breaking a wet web." Since Win does not suggest altering Perini or Deacon, the rejection is improper and should be withdrawn.

VIII. Conclusion

The cited references, either alone or in combination with the Examiner's assertions, do not provide a valid basis for a *prima facie* obviousness rejection of the present claims. Accordingly, Appellants submit that the present invention is fully patentable over Perini, Deacon, and Win and the Examiner's rejection should be REVERSED.

Respectfully submitted,



Amanda M. Church
Registration No. 52,469
Attorney for Appellants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

IX. CLAIMS APPENDIX

1. (Previously Presented) A method of making wet rolls, comprising:

providing a web of material, wherein the web travels at a speed of at least 60 meters per minute;

applying a wetting solution to the web to produce a wet web;

breaking the wet web; and

winding the wet web into a roll.

2. (Original) The method of claim 1, wherein the wetting solution is applied at an add-on greater than about 25%.

3. (Original) The method of claim 1, wherein the wetting solution is applied at an add-on between about 25% and about 700%.

4. (Original) The method of claim 1, wherein the wetting solution is applied at an add-on between about 50% and 400%.

5. (Original) The method of claim 1, wherein the wetting solution is applied at an add-on between about 100% and 350%.

6. (Original) The method of claim 1, wherein the wetting solution is applied at an add-on between about 150% and 300%.

7. (Original) The method of claim 1, wherein the wetting solution is applied at an add-on between about 200% and 250%.

8. (Cancelled).

9. (Previously Presented) The method of claim 1, wherein the web travels at a speed of at least 80 meters per minute.

10. (Previously Presented) The method of claim 1, wherein the web travels at a speed of at least 150 meters per minute.

11. (Previously Presented) The method of claim 1, wherein the web of material travels at a speed of at least 300 meters per minute.

12. (Previously Presented) The method of claim 1, wherein the roll is coreless.

13. (Previously Presented) The method of claim 1, wherein the web comprises a wet-formed basesheet.

14. (Previously Presented) The method of claim 1, wherein the web comprises a non-woven basesheet.

15. (Previously Presented) The method of claim 1, wherein the web comprises a water-dispersible binder.

16. (Previously Presented) The method of claim 1, wherein the method is performed in an environment which is substantially free of contaminants.

17. (Previously Presented) The method of claim 1, wherein the wetting solution is uniformly distributed in the wet web.

18. (Previously Presented) A method of making wet rolls, comprising:

providing a web of material from a source;

controlling the draw of the web from the source;

perforating the web;

positioning the perforated web adjacent a wetting apparatus;

applying a wetting solution to at least one side of the web with an add-on of at least about 25% to yield a wet web;

breaking the wet web; and

winding the wet web into a roll.

19. (Previously Presented) The method of claim 18, wherein the providing comprises:

obtaining a roll of web material; and

unwinding the roll.

20. (Previously Presented) The method of claim 18, wherein the providing comprises:

combining at least two web plies into a single web.

21. (Previously Presented) The method of claim 18, wherein the providing comprises:

manufacturing a basesheet; and

feeding the basesheet to an apparatus for wetting and winding the web.

22. (Previously Presented) The method of claim 18, wherein the web travels at a speed of at least 60 meters per minute.

23. (Previously Presented) The method of claim 18, wherein the wetting solution comprises salt.

24. (Previously Presented) The method of claim 18, wherein the wetting solution is applied with an add-on between about 25% and about 700%.

25. (Previously Presented) The method of claim 18, wherein the wetting solution is applied at an add-on between about 50% and 400%.

26. (Previously Presented) The method of claim 18, wherein the wetting solution is applied at an add-on between about 100% and 350%.

27. (Previously Presented) The method of claim 18, wherein the wetting solution is applied at an add-on between about 150% and 300%.

28. (Previously Presented) The method of claim 18, wherein the wetting solution is applied at an add-on between about 200% and 250%.

29. (Previously Presented) The method of claim 18, wherein the positioning, applying, and winding are performed in an environment which is substantially free of contamination.

30. (Previously Presented) The method of claim 18, wherein the roll is coreless.

31. (Previously Presented) A method of making a wet coreless roll comprising:

a) providing a wet web of material;

b) breaking the wet web and forming a cigarette from the leading edge of the break;

c) forming a roll of the wet web around the cigarette in a roll forming pocket;

d) separating the wet web roll from the web while repeating step b); and

e) discharging the separated wet web roll from the roll forming pocket.

32. (Previously Presented) The method of claim 31, wherein the roll forming pocket comprises a first roller, a second roller, and a third roller.

33. (Previously Presented) The method of claim 31, wherein the roll forming pocket comprises a first roller, a second roller, and a third roller; the wet web contacting the first roller, the second roller, and the third roller; the first, second and third rollers rotating in the same circular direction; and the second roller rotating in a circular direction opposite from the direction of movement of the wet web.

34. (Previously Presented) The method of claim 31, further comprising perforating the web.

35. (Previously Presented) The method of claim 34, further comprising making the break of step b) along a line of perforation.

36. (Previously Presented) The method of claim 31, wherein the method is performed in an environment which is substantially free of contaminants.

37. (Previously Presented) The method of claim 31, wherein the web travels at a speed of at least 60 meters per minute.

38. (Previously Presented) The method of claim 31, wherein the wet web comprises an add-on of a wetting solution of at least about 25%.

39. (Previously Presented) A method of making wet coreless rolls comprising:

providing a wet web;

breaking the wet web;

winding the wet web into a roll using a roll forming pocket;

the roll forming pocket comprising a first roller, a second roller and a third roller; the wet web contacting the first roller, the second roller, and the third roller; the first, second and third rollers rotating in the same direction; and the second roller rotating in a direction opposite from the direction of movement of the wet web; and

discharging the wet web roll from the roll forming pocket.

40. (Previously Presented) The method of claim 39, wherein the wet web is made by applying a wetting solution to a basesheet.

41. (Previously Presented) The method of claim 40, wherein the wetting solution is applied at an add-on greater than about 25%.

42. (Previously Presented) The method of claim 40, wherein the wetting solution is applied at an add-on between about 25% and about 700%.

43. (Previously Presented) The method of claim 40, wherein the wetting solution is applied at an add-on between about 50% and 400%.

44. (Previously Presented) The method of claim 40, wherein the wetting solution is applied at an add-on between about 100% and 350%.

45. (Previously Presented) The method of claim 40, wherein the wetting solution is applied at an add-on between about 150% and 300%.

46. (Previously Presented) The method of claim 40, wherein the wetting solution is applied at an add-on between about 200% and 250%.

47. (Previously Presented) The method of claim 40, wherein the wetting solution comprises salt.

48. (Previously Presented) The method of claim 39, wherein the method is performed in an environment which is substantially free of contaminants.

49. (Withdrawn) An apparatus for wetting and winding a substrate, comprising:

means for applying a wetting solution to the substrate to form a wet substrate; and

means for winding coreless rolls of the wet substrate.

50. (Withdrawn) The apparatus of claim 49, further comprising a means for perforating the substrate.

51. (Withdrawn) The apparatus of claim 49, wherein the means for applying a wetting solution distributes the wetting solution evenly along the substrate.

52. (Withdrawn) The apparatus of claim 49, wherein the means for applying a wetting solution comprises a means for increasing the absorption rate of the solution in the substrate.

53. (Withdrawn) The apparatus of claim 49, wherein the wetting solution is present in the wet substrate in an add-on of at least about 25%.

54. (Withdrawn) The apparatus of claim 49, wherein the apparatus is in an environment which is substantially free of contaminants.

55. (Withdrawn) An apparatus for wetting and winding a substrate, comprising:

a wetting apparatus; and

a wining apparatus;

wherein the winding apparatus can form wet coreless rolls with an add-on of at least about 25%.

56. (Withdrawn) The apparatus of claim 55, further comprising a perforating apparatus.

57. (Withdrawn) The apparatus of claim 55, wherein the wetting apparatus is a fluid distribution header.

58. (Withdrawn) The apparatus of claim 55, wherein the wetting apparatus is a spray boom.

59. (Withdrawn) The apparatus of claim 55, wherein the wetting apparatus comprises a drool bar.

60. (Withdrawn) The apparatus of claim 55, wherein the wetting apparatus comprises press rolls.

61. (Withdrawn) The apparatus of claim 55, further comprising a detour roller.

62. (Withdrawn) The apparatus of claim 55, wherein the winding apparatus comprises an upper winding roller, a lower winding roller, a rider roller and a transfer shoe.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.